

108TH CONGRESS
2D SESSION

S. 2377

To amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead free supply of drinking water.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2004

Mr. JEFFORDS (for himself and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead free supply of drinking water.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lead-Free Drinking
5 Water Act of 2004”.

1 **SEC. 2. REVISION OF NATIONAL PRIMARY DRINKING**
 2 **WATER REGULATION FOR LEAD.**

3 Section 1412(b) of the Safe Drinking Water Act (42
 4 U.S.C. 300g–1(b)) is amended by adding at the end the
 5 following:

6 “(16) REVISION OF NATIONAL PRIMARY DRINK-
 7 ING WATER REGULATION FOR LEAD.—

8 “(A) IN GENERAL.—Not later than 18
 9 months after the date of enactment of this
 10 paragraph, the Administrator shall finalize a
 11 rulemaking to review and revise the national
 12 primary drinking water regulation for lead that
 13 maintains or provides for greater protection of
 14 health as required under paragraph (9).

15 “(B) PROTECTION FOR INDIVIDUALS.—
 16 The revised regulation shall provide adequate
 17 protection for individuals that may be affected
 18 by lead contamination of drinking water, par-
 19 ticularly vulnerable populations such as infants,
 20 children, and pregnant and lactating women.

21 “(C) MAXIMUM CONTAMINANT LEVEL.—

22 “(i) IN GENERAL.—The revised regu-
 23 lation shall—

24 “(I) establish a maximum con-
 25 taminant level for lead in drinking
 26 water as measured at the tap; or

1 “(II) if the Administrator deter-
2 mines that it is not practicable to es-
3 tablish such a level with adequate pro-
4 vision for variability and factors out-
5 side of the control of a public water
6 system, establish a treatment tech-
7 nique in accordance with subpara-
8 graph (D).

9 “(ii) BASIS OF LEVEL.—In estab-
10 lishing the maximum contaminant level
11 under clause (i) or an action level for lead,
12 the Administrator shall use as a basis the
13 most protective of first draw samples,
14 flushed samples, or both first draw and
15 flushed samples.

16 “(D) TREATMENT TECHNIQUE.—If the
17 Administrator establishes a treatment technique
18 for drinking water under subparagraph
19 (C)(i)(II), the treatment technique shall—

20 “(i) prevent, to the extent achievable,
21 known or anticipated adverse effects on the
22 health of individuals;

23 “(ii) include an action level for lead
24 that is at least as stringent as the action
25 level established by the national primary

drinking water regulation for lead under subpart I of part 141 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

“(iii)(I) provide for the protection of individuals from very high lead levels in drinking water in isolated instances;

“(II) provide for the protection of all individuals, as opposed to a statistical majority, from exposure to elevated lead levels in drinking water;

“(III) promote continuing advances in corrosion control technologies and address the need to respond to changes in corrosion control and water treatment technologies; and

“(IV) take into account the demonstrated insufficiency of public notification and education as a primary means of protecting public health from lead in water.”.

SEC. 3. SERVICE LINE REPLACEMENT.

Section 1417(a)(1) of the Safe Drinking Water Act (42 U.S.C. 300g–6(a)(1)) is amended by adding at the end the following:

“(C) SERVICE LINE REPLACEMENT.—

“(i) IN GENERAL.—Upon exceeding the maximum contaminant level or action level for lead, a community water system or nontransient noncommunity water system shall annually replace at least 10 percent of the non-lead free service lines of the community water system or nontransient noncommunity water system until all of the non-lead free service lines have been replaced.

“(ii) PRIORITY.—Priority shall be given to non-lead free service lines that convey drinking water to—

“(I) residences that receive drinking water with high lead levels; and

“(II) residences and other buildings, such as day care facilities and schools, used by vulnerable populations, including infants, children, and pregnant and lactating women.

“(iii) REPLACEMENT RESPONSIBILITY.—Under no circumstance may a community water system or nontransient

1 noncommunity water system avoid the re-
 2 sponsibility to replace any non-lead free
 3 service line by completing lead testing such
 4 as that referred to in section 141.84 of
 5 title 40, Code of Federal Regulations (as
 6 in effect on the date of enactment of this
 7 subparagraph).

8 “(iv) REPLACEMENT OF NON-LEAD
 9 FREE SERVICE LINES.—

10 “(I) IN GENERAL.—In carrying
 11 out this subparagraph and subject to
 12 subclause (II), a community water
 13 system or nontransient noncommunity
 14 water system shall replace the non-
 15 lead free service lines, including pub-
 16 licly owned and, with the permission
 17 of applicable homeowners, privately
 18 owned portions of the service lines.

19 “(II) REQUIREMENTS FOR PER-
 20 MISSION.—In seeking permission from
 21 a homeowner to replace the private
 22 portion of non-lead free service lines
 23 under subclause (I), a community
 24 water system or nontransient non-

community water system shall provide
to the homeowner—

“(aa) notification of the replacement that is separate from the notification required under paragraph (2);

“(bb) a detailed description of the process by which non-lead free service lines will be replaced, including the date and approximate time of the replacement and a description of the ways in which property use will be disrupted by the replacement process; and

“(cc) a description of actions that should be taken to avoid any lead contamination that may occur after replacement of the non-lead free service lines.

“(III) STATE OF PROPERTY.—
After completion of replacement of non-lead free service lines, a community water system or nontransient noncommunity water system shall

1 make every reasonable effort to return
 2 property affected by the replacement
 3 to the state in which the property ex-
 4 isted before the replacement.

5 “(IV) ABSENCE OF PERMIS-
 6 SION.—If, after 3 attempts to obtain
 7 permission from a homeowner under
 8 subclause (II), a community water
 9 system or nontransient noncommunity
 10 water system has not received permis-
 11 sion, the water system shall provide
 12 final notice to the homeowner of—

13 “(aa) the date and approxi-
 14 mate time of replacement of the
 15 publicly owned portion of the
 16 non-lead free service lines; and

17 “(bb) a detailed description
 18 of actions that the homeowner
 19 should take to avoid any lead
 20 contamination that may occur
 21 after non-lead free service line re-
 22 placement.

23 “(V) EXCEPTION.—

24 “(aa) IN GENERAL.—If the
 25 Administrator determines, after

1 providing an opportunity for pub-
2 lic notice and comment, that the
3 practice of replacing only a por-
4 tion of a non-lead free service
5 line will generally result in higher
6 lead levels in drinking water dur-
7 ing an extended period of time
8 (as compared with leaving the en-
9 tire non-lead free service line in
10 place), the Administrator may
11 provide for an exemption for the
12 replacement in any case in which
13 the applicable homeowner refuses
14 to grant permission to replace
15 portions of a non-lead free serv-
16 ice line under subclause (IV).

17 “(bb) REQUIREMENT OF EX-
18 EMPTION.—An exemption under
19 item (aa) shall provide that, on a
20 change in ownership of property
21 served by a non-lead free service
22 line, the new property owner may
23 request the community water sys-
24 tem or nontransient noncommu-
25 nity water system to replace the

1 non-lead free service line for the
 2 property within a reasonable pe-
 3 riod of time.

4 “(VI) GRANTS.—Using amounts
 5 available under subsection (k)(1), the
 6 Administrator may provide grants to
 7 community water systems and non-
 8 transient noncommunity water sys-
 9 tems for use in replacing non-lead free
 10 service lines.”.

11 **SEC. 4. PUBLIC NOTICE AND EDUCATION.**

12 Section 1417(a) of the Safe Drinking Water Act (42
 13 U.S.C. 300g–6(a)) is amended—

14 (1) by redesignating paragraph (3) as para-
 15 graph (4); and

16 (2) by striking paragraph (2) and inserting the
 17 following:

18 “(2) PUBLIC NOTICE REQUIREMENTS.—

19 “(A) IN GENERAL.—The owner or operator
 20 of a community water system or nontransient
 21 noncommunity water system shall identify and
 22 provide notice to individuals and entities (and,
 23 under subparagraph (D), to specific residences)
 24 that may be exposed to lead contamination in
 25 the drinking water supply, as indicated by an

1 exceedance of the maximum contaminant level
2 or action level for lead, in a case in which the
3 contamination results from—

4 “(i) the lead content in the construc-
5 tion materials of the public water distribu-
6 tion system; or

7 “(ii) corrosivity of the water supplied
8 that is sufficient to cause leaching of lead.

9 “(B) CONTENTS.—Public notice materials
10 prepared under this paragraph shall provide a
11 clear and readily understandable explanation
12 of—

13 “(i) detailed information on the num-
14 ber of residences the drinking water of
15 which was tested and the areas of the city
16 or community in which those residences
17 are located, including a description of lead
18 levels found in the drinking water;

19 “(ii) the presence or absence of non-
20 lead free service lines for each household
21 receiving drinking water from the commu-
22 nity water system or nontransient non-
23 community water system;

24 “(iii) the potential adverse health ef-
25 fects of lead contamination of drinking

1 water, including a detailed description of
2 the disproportionate adverse effects of lead
3 contamination of drinking water on in-
4 fants, children, and pregnant and lactating
5 women;

6 “(iv) the potential sources of lead in
7 drinking water (including, at a minimum,
8 non-lead free service lines, lead solder, and
9 lead plumbing fixtures);

10 “(v) the cost and availability of lead
11 free plumbing fixtures for use in resi-
12 dences;

13 “(vi) reasonably available methods of
14 mitigating known or potential lead con-
15 tamination of drinking water, including—

16 “(I) a detailed, step-by-step de-
17 scription of immediate actions that
18 should be taken, such as the use of a
19 certified water filter or other acquisi-
20 tion of an alternative water supply;
21 and

22 “(II) a summary of more exten-
23 sive actions that could be taken, such
24 as the replacement of lead plumbing
25 fixtures;

1 “(vii) any steps the community water
2 system or nontransient noncommunity
3 water system is taking to mitigate lead
4 content in drinking water, including—

5 “(I) a timeline for decision-
6 making;

7 “(II) a description of the means
8 by which the public will provide input
9 in the decisionmaking process;

10 “(III) a description of the poten-
11 tial health effects of any corrosion
12 control modifications; and

13 “(IV) a description of the man-
14 ner in which at least 1 other commu-
15 nity water system or nontransient
16 noncommunity water system has suc-
17 cessfully addressed unacceptable levels
18 of lead in drinking water;

19 “(viii) the necessity, if any, of seeking
20 alternative water supplies; and

21 “(ix) contact information for—

22 “(I) medical assistance, including
23 State and local agencies responsible
24 for lead programs;

1 “(II) the community water sys-
2 tem or nontransient noncommunity
3 water system; and

4 “(III) the task force established
5 under paragraph (3)(A)(ii).

6 “(C) EMPHASIS.—A notice under this
7 paragraph shall place special emphasis on—

8 “(i) alerting parents, caregivers, and
9 other individuals and entities of the signifi-
10 cantly greater risks to infants, children,
11 and pregnant and lactating women posed
12 by lead contamination of drinking water;
13 and

14 “(ii) encouraging individuals and enti-
15 ties threatened by lead contamination in
16 the drinking water supply to immediately
17 modify behavior and follow other rec-
18 ommendations in the notice so as to mini-
19 mize exposure to lead in drinking water.

20 “(D) DELIVERY OF NOTICE.—

21 “(i) NOTICE TO ALL RESIDENCES AND
22 ENTITIES.—

23 “(I) IN GENERAL.—The notice
24 under subparagraph (A) shall be pro-
25 vided to each residence or entity that

1 receives water from the community
2 water system or nontransient non-
3 community water system.

4 “(II) WARNING.—Each commu-
5 nity water system and nontransient
6 noncommunity water system shall
7 print on the water bill provided to
8 each residence and entity described in
9 subclause (I) a warning that there is
10 a public health risk from high lead
11 levels in the drinking water.

12 “(ii) TIMING.—The notice required
13 under subparagraph (A) shall be deliv-
14 ered—

15 “(I) not later than 30 days after
16 the date on which the maximum con-
17 taminant level or action level for lead
18 is exceeded; and

19 “(II) every 90 days thereafter for
20 as long as the exceedance continues.

21 “(E) NOTICE OF TEST RESULTS.—Regard-
22 less of whether the maximum contaminant level
23 or action level for lead is exceeded, not later
24 than 14 days after the date of receipt of any
25 water lead test results conducted by the com-

1 munity water system or nontransient non-
2 community water system, the water system
3 shall provide to the owners and occupants of
4 each residence tested a notice of the test results
5 that includes—

6 “(i) the results of the water testing
7 for that residence;

8 “(ii) the number of residences tested;

9 “(iii) the overall results of the testing;

10 “(iv) contact information (including a
11 telephone number, address, and, if avail-
12 able, the Internet site address) for the ap-
13 plicable State or local health department or
14 other agency for immediate assistance with
15 blood lead level testing and lead remedi-
16 ation; and

17 “(v) the information and emphasis de-
18 scribed in subparagraphs (B) and (C).

19 “(F) VERIFICATION OF EFFECTIVENESS.—

20 “(i) IN GENERAL.—Not later than
21 180 days after the date of enactment of
22 this subparagraph, the Administrator shall
23 establish verification procedures that en-
24 sure that notices provided under this para-
25 graph are effective and appropriate, taking

1 into consideration risks posed to individ-
 2 uals and entities that may be exposed to
 3 lead contamination in drinking water.

4 “(ii) CONTENTS.—The procedures
 5 shall provide means of verifying, at a min-
 6 imum, whether a notice—

7 “(I) reaches the intended individ-
 8 uals and entities;

9 “(II) is received and understood
 10 by those individuals and entities; and

11 “(III) includes an appropriate de-
 12 scription of the level of risk posed to
 13 those individuals and entities by lead
 14 contamination of drinking water.

15 “(3) PUBLIC EDUCATION PROGRAM.—

16 “(A) IN GENERAL.—In carrying out this
 17 paragraph, regardless of whether the drinking
 18 water of a community water system or nontran-
 19 sient noncommunity water system has exceeded
 20 the maximum contaminant level or action level
 21 for lead, each owner or operator of the commu-
 22 nity water system or nontransient noncommu-
 23 nity water system shall establish and carry out
 24 a permanent, public education program on lead
 25 in drinking water that includes—

1 “(i) development of an action plan;

2 “(ii) establishment and maintenance
3 of a standing, community-based task force;

4 “(iii) development and implementation
5 of a voluntary household water testing pro-
6 gram; and

7 “(iv) preparation of public education
8 materials in each relevant language.

9 “(B) ACTION PLAN.—The action plan de-
10 veloped under subparagraph (A)(i) shall achieve
11 the objectives of—

12 “(i) defining the target audience for
13 the public education program;

14 “(ii) outlining a voluntary customer
15 water testing program for lead;

16 “(iii) identifying types of educational
17 materials to be used at each stage of public
18 education; and

19 “(iv) determining the appropriate tim-
20 ing and method of delivery of information
21 on lead in drinking water.

22 “(C) TASK FORCE.—

23 “(i) MEMBERSHIP.—In establishing
24 the task force under subparagraph (A)(ii),
25 the community water system or nontran-

1 sient noncommunity water system shall so-
 2 licit the participation of—

3 “(I) State, city, and county offi-
 4 cials and agencies, including officials
 5 and agencies responsible for water
 6 quality, environmental protection, and
 7 testing for elevated lead levels in
 8 drinking water and in individuals;

9 “(II) local public school systems;

10 “(III) public hospitals and clin-
 11 ics;

12 “(IV) active community service
 13 organizations and civic groups;

14 “(V) child care facilities; and

15 “(VI) interested private entities.

16 “(ii) RESPONSIBILITIES.—The task
 17 force shall—

18 “(I) assist community water sys-
 19 tems and nontransient noncommunity
 20 water systems in developing and revis-
 21 ing action plans developed under sub-
 22 paragraph (A)(i);

23 “(II) review the effectiveness of
 24 public notice provided under para-
 25 graph (2);

1 “(III) make recommendations to
2 community water systems and non-
3 transient noncommunity water sys-
4 tems;

5 “(IV) respond to inquiries from
6 the public regarding drinking water;

7 “(V) provide a means by which
8 community water systems and non-
9 transient noncommunity water sys-
10 tems may share information with the
11 public; and

12 “(VI) facilitate the response of a
13 community water system or nontran-
14 sient noncommunity water system in
15 the event of an exceedance of the
16 maximum contaminant level or action
17 level for lead.

18 “(D) WATER TESTING PROGRAM.—In de-
19 veloping a voluntary water testing program
20 under subparagraph (A)(iii), a community
21 water system or nontransient noncommunity
22 water system shall—

23 “(i) provide a means by which individ-
24 uals and entities may request water testing

1 with a single phone call, letter, or elec-
2 tronically mailed letter;

3 “(ii) conduct applicable tests in a
4 timely manner, including ensuring that
5 water samples are retrieved from house-
6 holds in a timely manner;

7 “(iii) ensure that tests are conducted
8 properly by certified laboratories; and

9 “(iv) provide to individuals and enti-
10 ties that requested water testing the re-
11 sults of the tests, and any additional appli-
12 cable information (such as information
13 contained in educational materials de-
14 scribed in subparagraph (E)) in a timely
15 manner.

16 “(E) CONTENTS.—

17 “(i) IN GENERAL.—Public education
18 and consumer awareness materials pro-
19 vided under this paragraph shall include—

20 “(I) the potential adverse health
21 effects of lead contamination of drink-
22 ing water, including a detailed de-
23 scription of the disproportionate ad-
24 verse effects of lead contamination of

1 drinking water on infants, children,
2 and pregnant and lactating women;

3 “(II) the potential sources of lead
4 in drinking water (including, at a
5 minimum, non-lead free service lines,
6 lead solder, and lead plumbing fix-
7 tures);

8 “(III) a summary of the histor-
9 ical compliance of the community
10 water system or nontransient non-
11 community water system as evidenced
12 by testing conducted under the na-
13 tional primary drinking water regula-
14 tion for lead, including any corrective
15 actions taken and the schedule for the
16 next testing cycle;

17 “(IV) the cost and availability of
18 lead free plumbing fixtures for use in
19 residences; and

20 “(V) contact information for—

21 “(aa) medical assistance, in-
22 cluding State and local agencies
23 responsible for lead programs;

1 “(bb) the community water
2 system or nontransient non-
3 community water system; and

4 “(cc) the task force estab-
5 lished under subparagraph
6 (A)(ii).

7 “(ii) EMPHASIS.—A notice under this
8 paragraph shall place special emphasis
9 on—

10 “(I) alerting parents, caregivers,
11 and other individuals and entities of
12 the significantly greater risks to in-
13 fants, children, and pregnant and lac-
14 tating women posed by lead contami-
15 nation of drinking water; and

16 “(II) encouraging individuals and
17 entities threatened by lead contamina-
18 tion in the drinking water supply to
19 immediately modify behavior and fol-
20 low other recommendations in the no-
21 tice so as to minimize exposure to lead
22 in drinking water.

23 “(F) DELIVERY OF PUBLIC EDUCATION.—
24 Notwithstanding any absence of an exceedance
25 of the maximum contaminant level or action

1 level for lead, a community water system or
2 nontransient noncommunity water system shall
3 provide biannually to customers of the commu-
4 nity water system or nontransient noncommu-
5 nity water system—

6 “(i) public education materials and
7 notice in accordance with this paragraph,
8 including a general description of other
9 sources of lead contamination (such as lead
10 paint); and

11 “(ii) the results of the most recent
12 water testing conducted by the community
13 water system or nontransient noncommu-
14 nity water system.

15 “(G) EXEMPTION.—The Administrator
16 may exempt an individual community water sys-
17 tem or nontransient noncommunity water sys-
18 tem from the requirements of this paragraph
19 upon a demonstration by the community water
20 system or nontransient noncommunity water
21 system that the drinking water of the system
22 has never exceeded the maximum contaminant
23 level or action level for lead on or after June 7,
24 1991.”.

1 **SEC. 5. ADDITIONAL PROVISIONS.**

2 (a) IN GENERAL.—Section 1417 of the Safe Drink-
3 ing Water Act (42 U.S.C. 300g–6) is amended by adding
4 at the end the following:

5 “(f) FILTERS.—

6 “(1) IN-HOME FILTERS.—

7 “(A) IN GENERAL.—After an exceedance
8 of a maximum contaminant level or action level
9 for lead by a community water system or non-
10 transient noncommunity water system, the com-
11 munity water system or nontransient non-
12 community water system shall provide on-loc-
13 ation filters described in subparagraph (C) to
14 each residence, school, and day care facility in
15 the service area of the community water system
16 or nontransient noncommunity water system
17 that could reasonably be expected to experience
18 lead contamination of drinking water in excess
19 of the maximum contaminant level or action
20 level for lead at any time after the date of the
21 exceedance.

22 “(B) PRIORITY.—Priority shall be given—

23 “(i) first, to vulnerable populations
24 such as infants, children, and pregnant
25 and lactating women; and

1 “(ii) second, to those residences,
 2 schools, and day care facilities that should
 3 have priority, based on testing results
 4 under the national primary drinking water
 5 regulation for lead.

6 “(C) CERTIFICATION STANDARDS FOR FIL-
 7 TERS.—Each on-location filter provided under
 8 subparagraph (A) shall be certified for lead re-
 9 moval by the National Institute of Standards
 10 and Technology.

11 “(2) NO LIMITATION.—The provision of filters
 12 under paragraph (1) shall not be limited to resi-
 13 dences known to have non-lead free service lines.

14 “(3) WAIVER OF CERTAIN REQUIREMENTS.—
 15 The Administrator may waive 1 or more require-
 16 ments under this subsection if the Administrator de-
 17 termines that the requirements are not feasible or
 18 necessary to carry out this subsection.

19 “(g) FEDERAL AGENCIES.—

20 “(1) IN GENERAL.—The General Services Ad-
 21 ministration (or an appropriate entity designated by
 22 the General Services Administration) shall conduct
 23 water supply testing in all Federal buildings (except
 24 Federal buildings served by a federally owned or op-

1 erated public water system), and related public noti-
2 fication and public education—

3 “(A) consistent with the requirements of
4 this Act and the national primary drinking
5 water regulation for lead; and

6 “(B) to the extent that the testing, notifi-
7 cation, and education are not duplicative of
8 testing, notification, and education conducted
9 by public water systems with respect to the
10 Federal buildings.

11 “(2) EXCEEDANCES.—

12 “(A) IN GENERAL.—The Administrator
13 shall establish a methodology for testing in a
14 single building to provide an equivalent level of
15 sensitivity and protection as provided by the na-
16 tional primary drinking water regulation for
17 lead with respect to community-wide testing.

18 “(B) ALTERNATIVE WATER SUPPLIES.—
19 Until the lead level in a Federal building is con-
20 firmed to be below the maximum contaminant
21 level or action level for lead using testing meth-
22 odology described in subparagraph (A), the Ad-
23 ministrator of General Services or head of an-
24 other appropriate agency shall provide alter-
25 native water supplies to the Federal building.

1 “(3) APPLICABILITY.—Nothing in this sub-
2 section affects any requirement applicable to a pub-
3 lic water system.

4 “(h) 1-TIME, NATIONWIDE TESTING.—

5 “(1) INITIATION.—Except as provided in para-
6 graph (3), in accordance with testing requirements
7 under the national primary drinking water regula-
8 tion for lead, and not later than 1 year after the
9 date of enactment of this subsection, each commu-
10 nity water system or nontransient noncommunity
11 water system shall initiate a testing program to
12 identify, measured at the tap, any lead contamina-
13 tion of the drinking water provided by the commu-
14 nity water system or nontransient noncommunity
15 water system.

16 “(2) COMPLETION.—Except as provided in
17 paragraph (3), not later than 180 days after the
18 date of initiation of the testing program under para-
19 graph (1), each community water system or non-
20 transient noncommunity water system shall—

21 “(A) complete the testing program de-
22 scribed in paragraph (1); and

23 “(B) submit to the Administrator and each
24 State in which the community water system or
25 nontransient noncommunity water system sup-

1 plies drinking water, and make available to the
2 public, the results of the testing program.

3 “(3) EXCEPTION.—If a community water sys-
4 tem or nontransient noncommunity water system
5 completes a testing program in accordance with the
6 national primary drinking water regulation for lead
7 within the 180-day period beginning on the date of
8 enactment of this subsection, the community water
9 system or nontransient noncommunity water system
10 shall not be required to carry out additional testing
11 under this subsection.

12 “(i) MONITORING.—The Administrator shall revise
13 the monitoring requirements under the national primary
14 drinking water regulation for lead to—

15 “(1) require monitoring at least biannually;

16 “(2) ensure that monitoring is statistically rel-
17 evant and fully representative of all types of residen-
18 tial dwellings and commercial establishments;

19 “(3) ensure that monitoring frequency and
20 scope are enhanced for—

21 “(A) at least the 1-year period following
22 any substantial modification of the treatment of
23 drinking water provided; and

1 “(B) any period during which the drinking
2 water of a water system exceeds the maximum
3 contaminant level or action level for lead;

4 “(4) require that, in order to be certified to
5 conduct drinking water analyses under this Act, a
6 laboratory shall electronically report lead test results
7 for public water systems (and such other results or
8 data as are determined to be appropriate by the Ad-
9 ministrator), in accordance with protocols estab-
10 lished by the Administrator, directly to the Adminis-
11 trator and the applicable State or local agency; and

12 “(5) otherwise ensure that the Safe Drinking
13 Water Information System and the National Con-
14 taminant Occurrence Database of the Administrator
15 reliably and timely reflect information regarding
16 drinking water quality and compliance with respect
17 to lead.

18 “(j) CORROSION CONTROL.—In revising the national
19 primary drinking water regulation for lead, the Adminis-
20 trator shall ensure that any requirement for corrosion con-
21 trol includes a requirement that, not later than 1 year
22 after the date of any change in water treatment, or of
23 an exceedance of the maximum contaminant level or action
24 level for lead, each community water system and nontran-
25 sient noncommunity water system shall—

1 “(1) reevaluate any corrosion control plan in
2 place for the water system; and

3 “(2) implement any changes necessary to re-
4 optimize the plan.”.

5 **SEC. 6. NON-LEAD FREE SERVICE LINE REPLACEMENT**
6 **FUND.**

7 Section 1417 of the Safe Drinking Water Act (42
8 U.S.C. 300g-6) (as amended by section 5) is amended by
9 adding at the end the following:

10 “(k) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There is authorized to be
12 appropriated to carry out replacement of non-lead
13 free service lines under subsection (a)(1)(C)(iv)(VI)
14 \$200,000,000 for each of fiscal years 2005 through
15 2009.

16 “(2) DISTRICT OF COLUMBIA.—Of amounts
17 provided under paragraph (1), \$40,000,000 for each
18 of fiscal years 2005 through 2009 is authorized for
19 use in replacing non-lead free service lines in the
20 District of Columbia.”.

21 **SEC. 7. HARDWARE STANDARDS.**

22 (a) DEFINITION OF LEAD FREE.—

23 (1) IN GENERAL.—Section 1417(d)(2) of the
24 Safe Drinking Water Act (42 U.S.C. 300g-6(d)(2))
25 is amended by striking “8.0” and inserting “0.2”.

1 (2) ADDITIONAL DEFINITION.—Section 1461(2)
 2 of the Safe Drinking Water Act (42 U.S.C. 300j–
 3 21(2)) is amended in the first sentence by striking
 4 “8” and inserting “0.2”.

5 (b) PLUMBING FIXTURES.—Section 1417(e)(2) of
 6 the Safe Drinking Water Act (42 U.S.C. 300g–6(e)(2))
 7 is amended by adding at the end the following:

8 “(C) LEAD FREE PLUMBING FITTINGS AND
 9 FIXTURES AND WATER METERS.—On and after
 10 January 1, 2005, it shall be unlawful to import,
 11 manufacture, process, distribute in commerce,
 12 or install in any residence a new plumbing fit-
 13 ting or fixture (including a fitting or fixture to
 14 be used for drinking, cooking, bathing, laun-
 15 dering clothes or other washing, or lawn irriga-
 16 tion), a water meter, or any other plumbing
 17 part or component that is not lead free.”.

18 **SEC. 8. REMOVAL OF LEAD IN SCHOOLS.**

19 (a) IN GENERAL.—Section 1464 of the Safe Drink-
 20 ing Water Act (42 U.S.C. 300j–24) is amended by striking
 21 subsection (d) and inserting the following:

22 “(d) REMOVAL OF LEAD IN SCHOOLS.—

23 “(1) TESTING AND REMEDIATION OF LEAD
 24 CONTAMINATION.—Not later than 270 days after the
 25 date of enactment of the Lead-Free Drinking Water

1 Act of 2004, the Administrator, in consultation with
2 each State, shall establish a program to provide
3 grants to States to assist, or provide reimbursement
4 for costs incurred by, local educational agencies in
5 conducting annual testing for and remediation of
6 lead contamination in drinking water from coolers
7 and from other sources of lead contamination at
8 schools under the jurisdiction of those agencies.

9 “(2) PUBLIC AVAILABILITY.—

10 “(A) IN GENERAL.—The Administrator
11 shall ensure that a copy of the results of any
12 testing at a school under paragraph (1) are
13 available in the administrative offices of the ap-
14 propriate local educational agency for inspection
15 by the public, including—

16 “(i) teachers and other school per-
17 sonnel; and

18 “(ii) parents of students attending the
19 school.

20 “(B) NOTIFICATION.—The Administrator
21 shall ensure that each local educational agency
22 notifies parent, teacher, and employee organiza-
23 tions of the availability of testing results de-
24 scribed in subparagraph (A).

1 “(3) DRINKING WATER COOLERS.—In the case
2 of drinking water coolers, the program under this
3 subsection shall require each local educational agen-
4 cy to carry out such measures for the reduction or
5 elimination of lead contamination from drinking
6 water coolers that are located in schools and are not
7 lead free as are necessary to ensure that, not later
8 than the date that is 15 months after the date of
9 enactment of the Lead-Free Drinking Water Act of
10 2004, all such drinking water coolers in schools
11 under the jurisdiction of the local educational agency
12 are repaired, replaced, permanently removed, or ren-
13 dered inoperable (unless the drinking water cooler is
14 tested and determined, within the limits of testing
15 accuracy, not to contribute lead to drinking water).

16 “(4) FEDERAL AUTHORITY.—In a case in which
17 a State does not participate in the program under
18 this subsection or, after receiving a grant under this
19 subsection, does not carry out the responsibilities of
20 the State under this subsection, the Administrator
21 shall carry out such a program or such responsibil-
22 ities on behalf of the State.

23 “(5) FUNDING.—

24 “(A) AUTHORIZATION OF APPROPRIA-
25 TIONS.—There is authorized to be appropriated

1 to carry out this subsection \$30,000,000 for
2 each fiscal year.

3 “(B) ADMINISTRATIVE EXPENSES.—The
4 Administrator may use not more than 5 percent
5 of amounts made available under subparagraph
6 (A) for a fiscal year to pay administrative ex-
7 penses incurred in carrying out this subsection
8 for the fiscal year.”.

9 (b) CONFORMING AMENDMENT.—Section 1465 of the
10 Safe Drinking Water Act (42 U.S.C. 300j–25) is repealed.

11 **SEC. 9. REVISION OF REGULATIONS.**

12 Not later than 18 months after the date of enactment
13 of this Act, the Administrator shall revise the national pri-
14 mary drinking water regulation for lead to incorporate all
15 applicable requirements of this Act and the amendments
16 made by this Act.

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